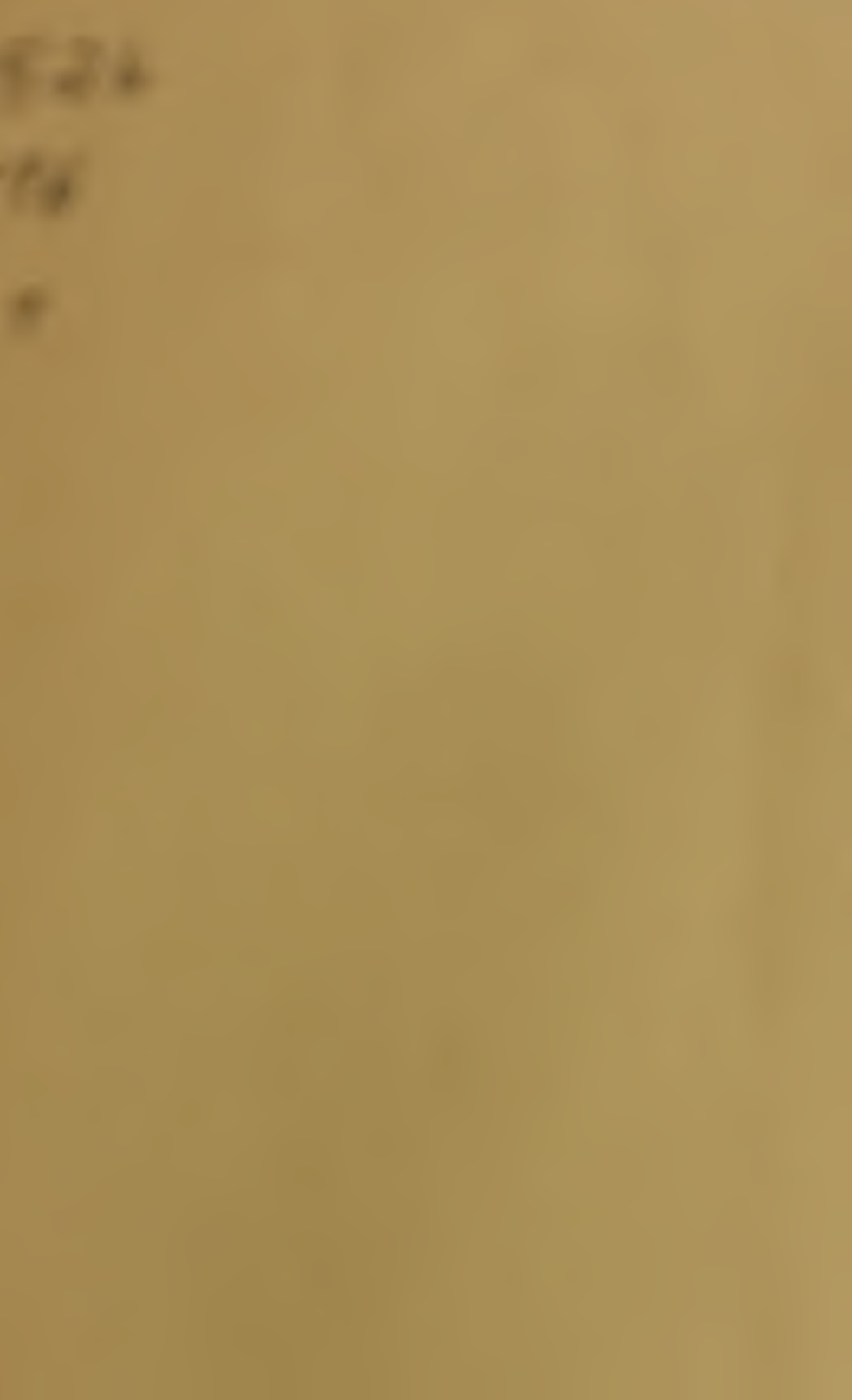


1876

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## SPEECH.

## INVESTIGATION OF THE ELECTORAL FRAUDS.

The House being as in Committee of the Whole on the State of the Union for general debate—

Mr. LOCKWOOD said:

Mr. SPEAKER: In the few words which I have to say at this time I will speak not as a partisan, but as a citizen, and shall address myself mainly to the question, what is the duty of Congress at this time touching the bill or the subject-matter of the bill introduced by the gentleman from Maryland, [Mr. KIMMEL,] which was referred to the Committee on the Judiciary, reserving for some other occasion the questions of fact and of law involved in its future consideration. The question now to be considered is: Shall Congress, by the enactment of the necessary law give to the Supreme Court the power and authority to hear and investigate the alleged frauds of the election of 1876, and upon such hearing and investigation to determine judicially and forever who were elected to the offices of President and Vice-President of the United States for the term commencing March 4, 1877?

The great majority of the people of this country, without distinction or regard to party, desire to know whether a government which has asserted and maintained its power and authority among the nations of the world for a century, which has emerged triumphant from the most gigantic civil war known to history, is now to have its fair fame and the national honor tarnished through the inability of the people or the people's Representatives to resist the insidious and seductive influences of power and patronage, or whether there is still left strength and courage sufficient to detect and punish fraud and crime though it may touch the highest officer under it. Can it be that the power of a great nation is to be exercised only upon its weaker citizens, and that when a crime has been committed against that nation's life it is powerless to protect itself? The honest men of business, the men of daily toil, deny it. They love their country, they love truth and justice, and they remember how much the founders of this Government sacrificed to secure the God-given right to select by ballot their own rulers; and many of them still remember the oppressions of foreign countries and what hardships they have endured in leaving the land of their birth to obtain a home in this free country, where they and their children might enjoy the blessings of liberty and the rights of men.

They point with commendable pride to the strength and power of the Government in maintaining its existence and honor when attacked by an armed foe, and they cannot now believe that Congress, the great representative body of the people, will longer sit as in a quiet sleed when from every quarter of this broad land comes the charge that

fraud has triumphed and that virtue and honesty no longer have a dwelling-place in the national heart.

The right of the ballot is too sacred to be defeated by fraud and corruption. All party and political considerations sink into utter insignificance when compared with the right of the citizen to be protected in the exercise of the elective franchise; and sorry am I for that man who has not patriotism sufficient to rise above all party considerations when the honor of his country is in issue. If fraud has been committed and can succeed, and if the ballot can be disregarded in one election, what is to prevent a repetition of the crime? The history of other nations teaches that one by one, step by step, the liberties of the people have been encroached upon; that if not resisted and overcome at first approach, the distance between the people and their liberties soon becomes so great that it is a gulf impassable, and the liberties of that people are lost forever, unless restored through the terrible ordeal of revolution. God grant that this nation may have the courage to face the truth, and avert the danger before it be too late.

Sir, for one, and influenced solely by a sense of justice to the people and their rights, I am in favor of the most thorough and searching judicial examination and investigation that can be had. I care not what the result to individuals or political parties may be, provided we know the truth and justice triumphs. If fraud has been committed, let those who are guilty, whether high or low, rich or poor, be exposed and punished, and then let the beneficiary of the fraud likewise be exposed and punished. This investigation is due alike to each of the gentlemen who represented the two great political parties in the last Presidential election. Both of them being honorable men, it cannot be presumed that either would wish or for a moment consent to hold an office to which he was not honestly elected, and certainly no *honorable man*, for the sake of holding office, would wish to go down to history with the dark cloud of fraud encircling his otherwise fair name. The present Executive, more than any other person in the country, is entitled to a full and fair judicial investigation of the whole matter. Justice to him strongly demands it; and should the result of that investigation establish that no fraud was committed in returning, counting, and declaring the electoral votes of the several States, then let it be so decided, so that the people may know and understand it; and let the evidence, the whole evidence upon which the decision is based, go to the country, so that the politicians and all others will be compelled to stop this cry of fraud, and like men acknowledge they were wrong, and that they have done an innocent man an injustice.

Can you men of the republican party, afford to miss this precious opportunity to establish once and forever that you had no hand in any fraud or that there was no fraud in the election of President; or have you feasted and fattened so long upon the public patronage of the Government, that rather than take any chance of losing it you are content to forget your past history and surrender your honor and your manhood for *place*? You who are politicians may be willing, but the rank and file of your party never.

I cannot, Mr. Speaker, subscribe to that policy which is often heard upon this side of the House, that it will be better for the democratic party to leave the whole matter as it now stands rather than press any further investigation; that the people now believe that a fraud has been committed and nothing can be gained or accomplished by giving the Supreme Court the power to investigate and decide the question, and that as a matter of political policy it is unwise to go further. These gentlemen would cry "Fraud, fraud," and yet would do nothing to disclose and punish the wrong-doers. They are loud in their denunciations of the President, the republican party and the electoral commission. Greater politicians than statesmen, I fear, they govern or seek to govern their actions, not by the rule of right and wrong, but by the effect it will have on the votes of their districts and of the country. To these and such as these let me say that the people of this nation are fast becoming dissatisfied and disgusted with politicians; they are looking for men of principles, men who when they know the right dare maintain it, let the political consequences be what they may; and they are demanding from the majority of this House such action as may be necessary to a full and fair investigation of all the alleged frauds in the election of 1876. Refuse their demand and their answer will be, "You are no longer worthy of confidence or support."

Again, we often hear it said, "True, a fraud and wrong has been committed, but there is no remedy; we can do nothing." I for one do not believe in such doctrine. I remember that law is founded upon reason and justice, and that reason and justice abhor crime. True, wrong never rights itself, but if a fraud and crime have been committed there is a way to demonstrate and reveal it, and if it is in our power, and we neglect or refuse to exercise that power, we not only fail in the duty which we owe to the people, but we ourselves become a party to the fraud. Our inaction or neglect to use every legal and honorable means in our power to discover the truth, reveal and punish fraud, makes us accessory to the fraud, and even more contemptible in the eyes of the world than those who committed it. *We lack the courage to expose and punish what they had the courage to do.* Already there is a widespread fear in the land that the people's Representatives in this matter, as in too many others, act not from their convictions but from political motives. Has the time not come when the general good of the country and the welfare and safety of our institutions should demand our most earnest and best efforts without regard to the consequences which may come to party? Ought we not to demand justice, and thus restore confidence? Can we or should we escape censure if by our silence we aid in concealing the truth? You who admit the fraud and crime answer, if you can.

Another objection is urged against this bill or any other mode of investigation which, without consideration, suffices to satisfy a certain class of gentlemen who say it is better to suffer a wrong than to take the trouble to investigate and know the right. Briefly stated it is this: that notwithstanding a fraud may have been committed in the electoral count, yet we had better submit to it than to disturb, as they say, the business interests of the country. The people, it is urged,



want quiet. True they want quiet, they want peace, but they want neither at the expense of their personal rights and liberties. I know the business men, and by business men I mean the mechanics and the men whose sweat and toil have built our railroads, our canals, and converted the broad acres of this country into fruitful fields, and whose labor is the great foundation of the nation's wealth and prosperity, and in their name I deny that they are willing now or ever to sanction fraud and crime for the sake of a fancied quiet. The law with all its vigor and severity is enforced upon the poor man when he violates it. Can there be any justification in not enforcing it upon others when they commit crime? I protest against any discrimination.

The history of this Government has always shown that the great masses of the people, the business and the laboring men, when the safety of the Government was in danger were ever true, awake, and ready to defend their rights, their liberties, the nation's honor, the laws and the Constitution of their fathers. They know full well, and far better than all the politicians on earth, the worth and value of a stable and secure government, but with the Government as with their business they cannot and will not suffer it to be even tainted with fraud. They demand equal and exact justice to all men; that crime committed in high places shall be exposed and punished with the same promptness as if committed by the humblest citizen. The argument that it were better to submit to fraud and wrong rather than disturb business interests or the quiet of the State would, if followed to its legitimate conclusions, justify the usurpation of the Government by its office-holders; it would deprive the people of the right of the ballot, for what would be the use of voting if the authorities in power can disregard the vote? But, fortunately, the method proposed will in no way disturb either business interests or the peace of the State. The law will quietly, but no less certainly and forever, I trust, determine who was elected President of the United States in the election of 1876.

The passage of this bill or one similar in its character is demanded by the honest men of this country. They have read and understand the facts; they know that to the candidate of the republican party was given the eight electoral votes of the State of Louisiana; they know that this same candidate after he took possession of the office of President, instead of recognizing Mr. Packard, the republican candidate for governor, as the legally elected governor of that State, and who confessedly received more votes than the republican presidential electors, recognized instead Governor Nichols, the democratic candidate, who has since been governor of the State of Louisiana, and they believe by this act he impeached his own title. The people would like to know why, if the Hayes electors received a majority of the votes cast in Louisiana, and Mr. Packard received a still greater number of votes, how it was Mr. Packard was not recognized by the Government, and sustained in his office, if necessary, by the whole power of the Government.

The same state of affairs exists in two other States. In South Caro-

sion did not investigate or decide the questions of fact, but on the other hand, contrary to the wishes and expectations of all good men, they absolutely refused to hear any proof on the subject, and based their decision solely on technical grounds and the doctrine of State rights. Had they possessed the power and investigated the facts their decision would have been respected for all time to come; but it is for the very reason that the proofs were not heard and because the facts were not investigated that the people are dissatisfied with that decision and now demand at our hands a thorough judicial or other investigation of the facts. They have a right to make this demand and we, their representatives and public servants, have no right to refuse. The people of this Government in their sovereign capacity are greater than their officers. *Vox populi vox Dei.* It matters but little to the people which particular man is President, but it is of paramount importance to them, to their liberties, and to the future safety of the Government that the President be that man who was *legally and honestly elected*, and not the man whose election was obtained through *false and fraudulent returning boards*.

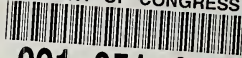
Give to the Supreme Court power to investigate these facts. I have confidence that its decision will be just. It will not in a judicial investigation be governed by any party or political considerations. The reputation of the highest court in the land would be involved. It would be a golden opportunity to *gain* the respect and admiration not only of the people of this country, but of the whole world.

It has been my only object to call the serious attention of the Judiciary Committee of this House and the attention of the country to the great importance of this subject and its bearing upon the future of the nation. I have done so with great reluctance. In my judgment the stability and future permanency of this as well as every democratic form of government largely depends upon the power, ability, and capacity of the Government to unearth the truth and to defeat and punish fraud. Fail in this and national decay will soon follow.

Have we not reached that crisis in public affairs which so many nations have reached, and in which not a few have fallen, when we too must answer whether we, as a nation, have the virtue, the moral courage, and the political integrity to spread the naked truth openly before the whole world, let the consequences to individuals and political parties be what they may? I, sir, have that faith in justice, in right, in the future of the country, and in the integrity of the people that I cannot for a moment believe that we, as the Representatives of the people, will falter in doing our duty, that we will hesitate to do right. We have a duty to perform, and cannot escape it if we would. The nation's honor and the people's rights we must protect and defend. Fraud must be exposed and punished, and truth and justice must prevail.

"Be just and fear not;  
Let all the ends thou aim'st at be thy country's,  
Thy God's, and truth's."





lina, Hampton, the democratic candidate, is governor, but the seven electoral votes of that State were counted for Mr. Hayes. In Florida, Drew, the democratic candidate, is governor, but the four electoral votes of that State were counted for Mr. Hayes; and when it is remembered that he required all of the electoral votes of these three disputed States to give him a bare majority of *one* in the electoral college, and that fraud is charged to have been committed in each of these States, I would ask if the people are not right in their demand for an investigation that will disclose the truth? Anderson has been found guilty by a jury of his peers of fraud in certifying to the electoral vote of Louisiana. The Packard Legislature of Louisiana elected a United States Senator, Senator Kellogg, and with this one act that legislature disappeared. The Senate of the United States passed upon the legality of his election and sustained the Legislature by admitting him to a seat in the Senate. Judge McLin, a member of the late State board of canvassers of Florida, confesses that Mr. Tilden was entitled to the electoral vote of Florida, and that it was secured to Mr. Hayes by fraud.

I have not stated, nor do I intend to state, but a few of the facts going to show that Mr. Tilden was legally entitled to the electoral votes of those three States. What I demand is that the people should know the truth. This investigation is not a matter in which Mr. Hayes and Mr. Tilden are solely interested. It is a question of far greater importance. It involves the right of the ballot, the right of the people to self-government, and the permanency of our republican form of government. The facts are known; they are openly admitted upon all sides.

One other objection is named, and I believe that to be the last as well as the most dangerous in its results to the future interests of the country. It is said the question involved has been submitted to a tribunal created by Congress, and that tribunal having decided the question we are bound to submit to its decision. Gentlemen forget when they make this objection that this is a representative government, a government of the people; that Congress possesses only such powers as are delegated to it by the Constitution and the people; that the people have never delegated to Congress or to any other branch of the Government the power to barter and dispose of their right to choose their public officers, and, having chosen them, the right to their possession of the office. There is no such power in law, and the act of January 29, 1877, does not and could not grant or confer such a power.

The people cannot legally be divested of their rights without their consent. The officers of the Government are but the servants of the people, and the sooner they so understand the better for them, the better for the future welfare of the Government. As a matter of fact the question as to which electors in the disputed States received a majority of the votes has never been judicially investigated and decided, unless you make the exception of the State of Florida, where the supreme court of the State, after a full investigation of the facts, did decide that Samuel J. Tilden was justly and legally entitled to the four electoral votes of that State. The so-called electoral commis-